

**THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA**

Address: No. 6 Xi Tucheng Lu, Jimeng Qiao Haidian District, Beijing Post code: 100088 P.O.BOX: Beijing 8020

Shanghai Patent & Trademark Law Office		Date of Dispatch December 26, 2003
Application No.: 01800791.0	Applicant: Matsushita Electric Industrial Co., Ltd.	
Application Date: April 3, 2001	Agent:	
Title: NICKEL POSITIVE ELECTRODE PLATE AND ALKALINE STORAGE BATTERY		

**THE FIRST OFFICE ACTION
(PCT APPLICATION IN THE NATIONAL PHASE)**

1. ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.

2. ☒ The applicant has requested that the filling date of
2000.04.04 at the JP Patent Office as the priority date,
2001.03.30 at the JP Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,

3. ☐ The following amended documents submitted by the applicant cannot be accepted for not conforming to the provision of Article 33 of the Patent Law:
☐ The Chinese version of the attachment of the International Preliminary Examination Report.
☐ The Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.
☐ The amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.
☐ The amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.
Refer to the text of the notice for the specific reason of non-acceptance thereof.

4. ☒ The examination is conducted by directing at the Chinese version of the original International Application submitted.
☐ The examination is conducted by directing at the following application documents:
☐ Description,
p. _____, the Chinese version of the original International Application Document submitted;
p. _____, the Chinese version of the attachment of the International Preliminary Examination Report;
p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ **Claims,**

_____, the Chinese version of the original International Application Document submitted.

_____, the Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.

_____, the Chinese version of the attachment of the International Preliminary Report.

_____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

_____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ **Attached Drawings,**

p. _____, the Chinese version of the original International Application Document submitted.

p. _____, the Chinese version of the attachment of the International Preliminary Examination Report.

p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ This Notice cites the following Comparison Document(the number of which shall continue to be used in the subsequent examination proceedings):

No.	Number/Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US 5,508121A	1996.04.16
2		
3		
4		

6. The conclusive opinion drawn from the examination:

☐ **As regards the Specification:**

☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right should be granted.

☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.

☐ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ **As regards the Claims:**

☐ Claim _____ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

☒ Claim 1-11 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

☒ Claim 15 does not conform with the provision of Item 4, Article 26 of the Patent Law.

- ☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.
- ☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
- ☐ Claim _____ does not conform with the provision of Rule 18 of the Implementing Regulations of the Patent Law.
- ☐ Claim _____ does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:

- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
- ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
- ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

8. The applicant is asked to note the following items:

- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within four months from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn.
- (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
- (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
- (4) The observations and/or the amended documents shall be mailed or delivered to the Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to the Department of Receipt.

9. The text of this Notice totals 1 page(s), and includes the following attachment(s):

- ☒ duplicate copy(ies) of cited comparison document(s), altogether 1 copy(ies) 2 pages.
- ☐

Examination Department: _____ Examiner(Seal):

PCT/71